

REMARKS

Reconsideration and allowance of the subject application in view of the foregoing amendments and the following remarks is respectfully requested.

Claims 1-4, 7, 9-15 and 18-24 are pending in this application. By this Amendment, claims 1, 12, and 23-24 are amended.

The courtesies extended to Applicants' representative by Examiner Alam at the interview held October 19, 2010, are appreciated. The reasons presented at the interview as warranting favorable action are incorporated into the remarks below and constitute Applicants' record of the interview.

Regarding the rejection of claims 1-4, 10-15 and 20-24 under U.S.C. §102(b) over U.S. Patent No. 6, 792,470 to Hakenburg et al., Applicants appreciate the indications made at the personal interview, by Examiner Alam, that Hakenburg fails to disclose, teach, or suggest "performing at least one of the operations of terminating video transmission, increasing the channel bandwidth, and switching from one CODEC to another depending on evaluation results of transmission quality," as recited in amended claim 1. Indeed, Hakenburg at best discloses retransmitting lost data and nowhere suggests performing the claimed operations.

A rejection based on 35 U.S.C. §102 requires every element of the claim to be included in the reference, either directly or inherently. Accordingly, because Hakenburg does not disclose, teach or suggest each and every feature recited in claim 1, Applicants' recited feature distinguishes the claimed method over Hakenburg and therefore the rejection of claim 1 under 35 U.S.C. §102(b) is improper. Applicants respectfully submit, therefore, that independent claim 1 is patentable over Hakenburg.

Independent claims 12 and 23-24 are similarly amended and are likewise allowable over Hakenburg. Claims 2-4, 10-11, 13-15, and 20-22 depend variously from independent claims 1 and 12 and are likewise patentable over Hakenburg at least for their dependence on an allowable base claim, as well as for additional features they recite. Withdrawal of the 102(b) rejection over Hakenburg is respectfully requested.

The rejection of claims 7, 9, and 18-19 over Hakenburg in view of Cooper et al. (US 2002/0044531) is respectfully traversed, Cooper failing to remedy the deficiencies of Hakenburg in regards to amended claims 1 and 12.

Conclusion

All objections and rejections having been addressed, it is respectfully submitted that the present application should be in condition for allowance and a Notice to that effect is earnestly solicited. Early issuance of a Notice of Allowance is courteously solicited.

The Examiner is invited to telephone the undersigned, Applicants' attorney of record, to facilitate advancement of the present application.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 07-1337 and please credit any excess fees to such deposit account.

Respectfully submitted,

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